

UNCLASSIFIED 10 Argentina INCOMING  
Department of State AHB 94 TELEGRAM

PAGE 01 GENEVA 11566 201135Z  
ACTION 10-15

11/20/82

8634

INFO OCT-80 COPY-01 ADS-00 INR-10 EUR-00 SS-10 OIC-02  
AF-00 CIAE-00 EB-00 EA-12 DODE-00 H-01 NEA-07  
NSC-01 ARA-00 NSAE-00 COME-00 HA-00 L-03 LAB-04  
TRSE-00 PM-09 PA-02 ED-04 OMB-01 STR-14 SIL-01  
HHS-06 USIE-00 SP-02 SPRS-01 /160 W

-----102533 201725Z /40

R 201124Z NOV 82  
FM USMISSION GENEVA  
TO SECSTATE WASHDC 5310  
INFO AMEMBASSY BUENOS AIRES  
USMISSION USUN NEW YORK

UNCLAS GENEVA 11566

E.O. 12356: N/A  
TAGS: ILO, ELAB, PORO, AR  
SUBJECT: ILO: 221ST GOVERNING BODY: FREEDOM OF  
ASSOCIATION IN ARGENTINA

1. ILO GOVERNING BODY'S COMMITTEE ON FREEDOM OF  
ASSOCIATION, CONSIDERING COMPLAINTS AGAINST ARGENTINA  
FROM 1977 ONWARD, ISSUED ON NOV 12 ANOTHER INTERIM  
REPORT FOLLOWING UP ITS REPORT OF NOV 1981. SINCE THEN  
GOA HAS PROVIDED INFORMATION ON TWO SEPARATE OCCASIONS  
ON THE STATUS OF A TOTAL OF 65 PERSONS.

2. THE REPORT ON ARGENTINA WAS INTRODUCED BRIEFLY IN  
PLENARY NOV 17 BY TWO MEMBERS OF THE COMMITTEE, ONE  
MENTIONING THAT A STATE OF EMERGENCY HAD BEEN IN EFFECT  
FOR SIX YEARS. ARGENTINE AMB GABRIEL MARTINEZ WAS  
ONLY OTHER SPEAKER, THANKING THE TWO COMMITTEE MEMBERS  
(ONE EMPLOYER, ONE WORKER) FOR THE MANNER IN WHICH THEY  
INTRODUCED THE REPORT. HE NOTED, WITH RESPECT TO PARA-  
GRAPHS A AND B OF THE COMMITTEE'S RECOMMENDATIONS, THAT  
HIS COUNTRY WAS NOW EMBARKED ON THE ROAD TOWARD  
DEMOCRATIZATION. AS FOR PARA C, HE EXPRESSED THE HOPE  
THAT HIS GOVERNMENT IN CONTACTS WITH THE ILO SECRETARIAT  
COULD RESOLVE THE QUESTION IN THE NEAR FUTURE.

3. THE RECOMMENDATIONS WERE THEN APPROVED BY CONSENSUS,  
TEXT AS FOLLOWS:

(A) AS REGARDS THE SUSPENSION OF THE RIGHT OF COLLECTIVE  
BARGAINING AND THE RIGHT TO STRIKE, THE COMMITTEE NOTES  
WITH INTEREST THAT DECREE NO. 469 OF MARCH 1982 ALLOWS  
WAGES TO BE FIXED FREELY ON THE LABOUR MARKET. THE COM-  
MITTEE NOTED HOWEVER THAT REMUNERATION CANNOT ALWAYS BE  
ESTABLISHED GLOBALLY BY VOLUNTARY COLLECTIVE BARGAINING  
AND THAT THE WORKERS CANNOT ALWAYS LEGALLY RESORT TO  
STRIKE ACTION IN SUPPORT OF THEIR DEMANDS EVEN IF CERTAIN  
STRIKES HAVE BEEN ABLE TO TAKE PLACE RECENTLY. SINCE  
THESE RESTRICTIONS HAVE BEEN IN FORCE FOR MORE THAN SIX  
YEARS, THE COMMITTEE CONSIDERS THAT ONE OF THE GOVERNMENT'S  
PRIORITIES SHOULD BE TO RE-ESTABLISH UNIMPEDED COLLECTIVE  
BARGAINING AND TO GRANT EFFECTIVE RECOGNITION OF THE RIGHT  
TO STRIKE. THE COMMITTEE REQUESTS THE GOVERNMENT TO  
INFORM IT OF THE MEASURES IT INTENDS TO TAKE SO THAT THESE  
RIGHTS MAY SHORTLY BE EXERCISED IN COMPLETE FREEDOM.

(B) AS REGARDS THE PLACING OF TRADE UNION ORGANISATIONS  
UNDER SUPERVISION, THE COMMITTEE NOTES THAT FRESH TRADE  
UNION ELECTIONS HAVE BEEN HELD AND THAT UNDER DECREE  
NO. 549 OF MARCH 1982, IT WILL BE POSSIBLE FOR TEMPORARY  
COMMITTEES APPOINTED BY THE MINISTRY OF LABOUR TO REPLACE  
THE SYSTEM OF SUPERVISION. THE COMMITTEE RECALLS THAT,  
FOR THIS PRACTICE TO BE ADMISSIBLE, IT MUST BE TEMPORARY  
AND DESIGNED SOLELY TO ALLOW FREE ELECTIONS TO BE ORGAN-  
ISED. THE COMMITTEE REQUESTS THE GOVERNMENT TO CONSIDER

QUICKLY LIFTING ALL SUPERVISION ORDERS ON TRADE UNION  
ORGANISATIONS AND TO PROVIDE DETAILED INFORMATION ON THE  
MEASURES TAKEN TO THIS END AND ON THE NUMBER AND NATURE  
OF THE ORGANISATIONS STILL IN THIS SITUATION.

(C) AS REGARDS THE ARREST AND DISAPPEARANCE OF TRADE  
UNIONISTS AND FORMER TRADE UNIONISTS, THE COMMITTEE TAKES  
NOTE OF THE INFORMATION PROVIDED BY THE GOVERNMENT ON THE  
SITUATION OF CERTAIN PERSONS MENTIONED IN THE COMPLAINTS.  
IT NOTES IN PARTICULAR THAT SEVERAL OF THEM HAVE BEEN  
RELEASED BUT THAT 17 PERSONS WHO WERE THE SUBJECT OF  
ALLEGATIONS ARE STILL DETAINED WITHOUT TRIAL. IT EMPHASI-  
SES THE IMPORTANCE OF LIMITING MEASURES OF ADMINISTRATIVE  
INTERMENT AND PREVENTIVE DETENTION TO VERY SHORT PERIODS  
INTENDED SOLELY TO FACILITATE THE COURSE OF A JUDICIAL  
INQUIRY. THE COMMITTEE CONSIDERS THAT THE TRADE  
UNIONISTS WHO HAVE BEEN IN DETENTION FOR SEVERAL YEARS  
WITHOUT HAVING BEEN BROUGHT BEFORE THE COURTS SHOULD BE  
RELEASED. IT REQUESTS THE GOVERNMENT TO INFORM IT OF ANY  
MEASURE WHICH MAY BE CONTEMPLATED OR TAKEN TO THIS END.  
FINALLY, THE COMMITTEE REQUESTS THE GOVERNMENT TO ENDEA-  
VOUR TO SUPPLY INFORMATION CONCERNING THE PERSONS RESPECT-  
ING WHOM IT HAS NOT YET ANSWERED AND WHOSE NAMES ARE  
LISTED IN ANNEX III OF THE PRESENT REPORT. SWAEBE

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part ( ) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

UNCLASSIFIED

840195

12306